

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
)
DTV Consumer Education Initiative) MB Docket
No. 07-148
)
)

Notice of Proposed Rulemaking

COMMENTS OF AARP

David Certner
Legislative Counsel and Legislative Policy Director
AARP
601 E Street, NW
Washington, DC 20049

AARP respectfully submits these comments for the FCC's consideration and thanks the Commission for the opportunity to participate in this important docket regarding consumer education initiatives for the digital television (DTV) transition. AARP

remarks in these initial comments offer a response to some of the areas the Commission has addressed in the above Notice of Proposed Rulemaking (NPRM) regarding DTV education initiatives. As the transition proceeds, AARP is committed to working with the FCC to help make certain consumers are aware of the transition and know the steps to take to ensure they have access to broadcast television after February 17, 2009.

AARP has been actively engaged in addressing DTV transition issues before Congress, and has worked closely with the FCC and the National Telecommunications and Information Administration (NTIA). AARP has urged policy makers to mitigate the burden of this transition for all consumers, particularly older Americans. We continue to call attention to the importance of comprehensive consumer education and outreach to inform all affected individuals about the DTV transition.

Older Americans have had a growing reliance on television technology. TV offers more than just entertainment. For older persons, television can be a primary connection to the outside world – providing life-saving weather forecasts and public safety announcements, as well as information on government and politics, and community news. In fact, Americans aged 50 and above watch the greatest number of hours of television a day of any age group - almost 5.5 hours.

The transition to digital television will offer consumers real benefits: better-quality transmission and a wider range of programming options. However, there will also be significant costs for consumers. The monetary, as well as non-monetary costs will be particularly challenging for older Americans. Many older individuals will need assistance in searching for an available converter box, understanding confusing and/or inconsistent messages, and addressing potential difficulties in attaching the converter box to their sets.

In general, AARP agrees that “the Commission could use its existing authority to compel industry to contribute time and resources to a coordinated, national consumer education

campaign.” It is particularly important that any messages about the DTV transition delivered to the general public be consistent, clear and non-misleading. To that end, AARP offers the following recommendations in response to the NPRM:

- 1) The FCC should recognize the special needs of the older population and focus outreach and education efforts on this community.
- 2) Since broadcasters and the cable industry have the greatest opportunity to reach the general population, their messages especially must be clear and consistent; further they should focus on providing important transition information, rather than on selling new products and services.
- 3) The Commission should establish and publicize a dedicated consumer help-line, with toll-free access.
- 4) The FCC should consider imposing other effective measures on broadcasters to ensure the widest possible audience for information about the DTV transition messages, in addition to requiring the placement of public service announcements.
- 5) The Commission should require broadcasters to report on consumer education efforts.
- 6) The Commission should consider requiring others to engage in education initiatives for the DTV transition, but should proceed cautiously before imposing requirements that could result in the imposition of additional costs on telephone ratepayers.

- 1) The FCC should recognize the special needs of the older population and focus outreach and education efforts on this community.

A large percentage of analog-only households are older individuals who will be disproportionately impacted by the DTV transition and who are not prepared for the transition.

According to a 2004 survey, about 21 million households rely on over-the-air (OTA) broadcast-only television. A more recent Nielsen Media Research report estimates that the current number of OTA households is approximately 20 million. These are the consumers who will be without television service when the transition is concluded. The GAO reported that of those OTA households, about 48 percent have incomes under \$30,000.

Moreover, approximately 8 million – or 40%-- of these households include at least one person over the age of 50.

Recently, CENTRIS released data from a survey conducted to assess the probability that older Americans are more likely to be found in over-the air households and are therefore more vulnerable to the consequences of the digital TV transition. The survey's findings revealed that older Americans:

1. Over age 65 are more likely to be found in OTA households;
2. As a group, are less likely to have purchased a new TV in the past three years;;
3. Are less likely to have HDTV capabilities in their households; and
4. Are less likely to own a digital TV.

The survey analysis conducted by CENTRIS concluded:

- Older Americans over 65 are a more vulnerable group with respect to maintaining television services as the digital transition is completed;
- Older Americans will not be as exposed to DTV transition messages from electronic retailers as will younger members of the population; and
- The population of older Americans will need special focus in efforts to educate the public with respect to the end of the DTV transition.

The FCC should direct the industry to focus education initiatives on the older population. Industry should work with older American consumer organizations and public and private aging agencies to prepare messages and materials that are sensitive to the needs of this community.

2) Broadcasters and the cable industry have the greatest opportunity to reach the general population: industry messages must be clear, consistent, and focus on providing important transition information, rather than on selling new products and services.

As surveys have found, older Americans watch 5.5 hours of television each day, the greatest number of hours of any age group. Accordingly, television is the most effective medium to

use to inform consumers about the DTV transition. At the same time, it is in broadcasters' interest to be the information agents for their viewers; the broadcasters' future relies on their ability to effectively inform consumers and help prepare households for February 17, 2009. If consumers do not prepare for the transition in advance of the transition date, they will no longer be able to watch free, over-the-air broadcast television. Nevertheless, competing demands for over-the-air messaging by other worthy and/or well-financed initiatives could undermine broadcasters' inclination to carry out this education effectively.

We therefore recommend that the FCC require broadcasters to conduct on-air consumer education efforts. AARP offers several recommendation regarding the form and content of on-air content:

- a) The message of any on-air announcements should be clear, consistent, non-misleading, and informative.
- b) On-air messages should air several times each day, at least once within several blocks of time, particularly when research reveals consumers are most likely to be watching television.
- c) All broadcast messages should include a toll-free telephone number and a website address for consumers to receive more information regarding the transition. The FCC should work with the NTIA and the DTV Transition Coalition to determine the best toll-free number and website address to display during the on-air messages. Currently, there are several website addresses and toll-free numbers for consumers to get information on the DTV transition, but consumers are likely to find these choices confusing. It is preferable that there be one source to provide information and address consumer inquiries.
- d) The broadcast industry is already working on public service announcements regarding the transition. It is critical that the FCC have a role in overseeing the messaging that will be placed on-air. We recognize the benefit of having the industry use its expertise to develop messages that are creative and professional. However, these on-air messages must do an effective job of informing the public.

The cable industry recently produced several ads addressing the DTV transition, intending to appeal to several special communities: older persons, Hispanics, and African Americans. AARP is concerned that the ad produced to target older Americans has missed the mark for several reasons: the message is unclear and potentially misleading, the older woman portrayed in the ad doesn't set the right image for older Americans, and the ad directs consumers to a website for more information. Unfortunately, many older Americans are not online and are less familiar with getting information from the Internet. It would have been more appropriate and helpful to direct the consumers to the toll-free telephone number for further information (which was on the screen, but in small, difficult to read, print, and only for a few seconds).

The FCC can ill afford to allow confusing or misleading messaging at any point in the lead-up to February 17, 2009. The Commission should require broadcasters, cable, and others delivering DTV transition messages to employ a consistent message when addressing the general public. Further, the FCC should provide the necessary oversight and guidance to ensure industry compliance.

3) The Commission should establish a dedicated consumer help-line, with toll-free access.

The NPRM seeks comment on whether or not the Commission, or the industry, should take the necessary steps to ensure that consumers have access to information and assistance needed to help prepare for the transition. AARP believes it is crucial to do so. We support the establishment of a dedicated consumer help-line, with toll-free access. It is important that the FCC coordinate the establishment and execution of such an assistance telephone line with the NTIA, industry, and consumer organizations.

4) The FCC should consider imposing other effective measures on broadcasters, in addition to the placement of public service announcements.

Public Service Announcements offer an excellent opportunity to reach television viewers with information regarding the DTV

transition. However, there are other effective education initiatives for broadcasters to undertake. For example, in the United Kingdom, the “switchover” to digital television is occurring in stages over the next five years. One measure the UK is incorporating into its education plan is to run a “crawl” on the television screen to notify consumers about the digital switchover.

AARP urges the FCC to instruct broadcasters to run crawls, which would appear on the bottom of television broadcasts, intermittently during large blocks of viewing times. The crawl should, at a minimum, provide the date of the transition and the toll-free telephone number and website address for further information. The FCC should work with the industry to determine an appropriate schedule for implementing the “crawl” initiative.

In addition to the UK, several other countries are currently engaged in their own digital transitions. The FCC should consider the education outreach plans designed by other countries to determine best practices that could be incorporated into the U.S. education initiatives.

5) The Commission should require broadcasters to report on consumer education efforts.

AARP agrees that it is important for broadcasters to report their level of engagement in education initiatives by providing regular updates on their efforts. The reporting should identify broadcast stations involved in education activities, calculate the number of public messages aired, and include the dates and times the on-air messages are televised. The filing of these reports every 90 days, as suggested in the NPRM, would be a reasonable schedule.

These reports will enable the FCC to identify communities where information on the transition is insufficient, and then respond by directing broadcasters to engage in education initiatives within these communities. In addition, the FCC should conduct research to determine the communities with the highest number of analog-only households. This information can then be used to determine whether, based on broadcasters’ reports, messages have been shown

in households with the greatest risk of losing on-air broadcast television. If broadcast messages aren't reaching the right households, adjustments can be made.

6) The Commission should consider requiring others to engage in education initiatives for the DTV transition, but should proceed cautiously before imposing requirements that could result in the imposition of additional costs to telephone ratepayers.

The FCC should "leave no stone unturned" and should consider all means to engage industries within its oversight/jurisdiction in educating their customers about the transition. In the NPRM, the Commission has offered several suggestions on other methods to inform consumers about the transition. These include, but are not limited to, notice inserts in bill from multi-channel video programming distributors, information provided by manufacturers to accompany any television set or related device, consumer electronics retailer training and education, and DTV.gov partner reporting. AARP supports the intention of all these proposals and urges the Commission to work with the industry to institute the most effective education initiatives.

AARP is concerned, however, with the suggested requirement for telecommunications carriers that receive funds under the Low Income Federal universal service program to provide notices to their customers on the DTV transition. It is unclear who would bear the additional costs for the bill inserts. It is possible, and perhaps likely, that telephone customers would have to cover the additional costs related to the billing inserts. Although the opportunity to reach a segment of this population to inform them about the transition is appealing, AARP recommends that the Commission refrain from such action until, and unless, telephone customers are held harmless.

Conclusion:

The key to the success of the DTV transition relies on the effectiveness of consumer education initiatives. AARP urges the Commission to use the full weight of its authority to require the industry to initiate effective consumer education efforts. The Commission should demand that any messages delivered be

consistent, clear and non-misleading. The messages must focus on providing information about the DTV transition, rather than provide the opportunity to sell additional services to consumers. AARP also recommends that the Commission instruct the industry to work closely with consumer organizations, as well as public and private agencies serving older persons to ensure public messages are appropriate for older Americans.

While no one approach offers the solution for reaching all consumers, the combined efforts of the industry will certainly broaden the reach of DTV transition messages. Thank you for consideration of these comments. We look forward to continuing to assist the Commission with this important initiative.

Respectfully Submitted,